

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ROBERT DRUHAN,

Plaintiff,

v.

STEPHEN HOGE,

Defendant.

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Civil Action 22-cv-10437-IT

ORDER OF DISMISSAL

May 10, 2022

TALWANI, D.J.

Pending before the court is Defendant Stephen Hoge's Motion to Dismiss [Doc. No. 4] the Complaint [Doc. No. 1-1] filed by Plaintiff Robert Druhan, proceeding *pro se*. On April 28, 2022, after Druhan failed to timely respond to Hoge's motion, the court ordered Druhan to show cause "no later than May 5, 2022, why this action should not be dismissed for failure to state a claim or as barred" under the Public Readiness and Emergency Preparedness Act ("PREP Act"). Order to Show Cause [Doc. No. 12]. On May 9, 2022, the court received a packet of documents from Druhan consisting of his medical records (which the clerk has docketed under seal) and a copy of certain documents previously filed in this matter. Letter [Doc. No. 15] and attachments.

Included among the documents submitted by Druhan is a copy of the court's Order to Show Cause [Doc. No. 12], which establishes that he received the court's order. Also included is a handwritten notation on one page stating that Hoge's addition of ModernaTX, Inc. to the case caption was improper. Letter [Doc. No. 15]. No further response to the Motion to Dismiss [Doc. No. 4] or this court's Order to Show Cause [Doc. No. 12] has been filed.

With respect to the modification of the case caption, the court agrees with Druhan that he brought this action solely against Stephen Hoge. With respect to the pending motion to dismiss, however, Druhan's response provides no basis to deny Hoge's motion. Accordingly, Druhan's Complaint [Doc. No. 1-1] against Hoge is hereby DISMISSED for failure to state a claim and as barred under the PREP Act. This case is CLOSED.

IT IS SO ORDERED.

May 10, 2022

/s/ Indira Talwani
United States District Judge